
IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF UTAH, CENTRAL DIVISION

MICROSOFT CORPORATION, a
Washington corporation,

Plaintiff,

vs.

EVALUESOFTWARE.COM LLC, a Nevada
limited liability company; JUSTIN CATES, an
individual; MICHAEL CATES, an individual;
DEVIN RUST, an individual; and DAVID
RUST, an individual,

Defendants.

**ORDER
RE: STIPULATED PERMANENT
INJUNCTION
AGAINST DEFENDANTS**

Case No. 2:13-cv-01081

Chief Magistrate Judge Brooke C. Wells

The Court having considered the Stipulated Permanent Injunction Against Defendants executed between Plaintiff Microsoft Corporation, a Washington corporation, and Defendants EVALUESOFTWARE.COM LLC, a Nevada limited liability company; Justin Cates, an individual; Michael Cates, an individual; Devin Rust, an individual; and David Rust, an individual (collectively, the “Parties”),

IT IS HEREBY ORDERED that Defendants along with their directors, principals, officers, agents, servants, employees, representatives, successors and assigns, and all those persons or entities acting in concert or participation with them, shall be and hereby are PERMANENTLY ENJOINED and restrained from:

(a) unauthorized imitating, copying, or making any other infringing use or infringing distribution of software programs, components, end user license agreements (“EULA”) or items protected by Microsoft’s registered trademarks and service mark, including, but not limited to, the following Trademark Registration Nos.:

- (1) 1,200,236 (“MICROSOFT”);
- (2) 1,256,083 (“MICROSOFT”);

- (3) 1,872,264 (“WINDOWS”);
- (4) 2,744,843 (COLORED FLAG DESIGN);
- (5) 3,301,806 (“SQL SERVER”); and
- (6) 3,764,113 (GRID WITH A FOLDED TRIANGULAR CORNER);

or the software programs, components, EULA, items or things protected by the following Certificate of Copyright Registration Nos.:

- (1) TX 7-009-361 (“Windows 7”); and
- (2) TX 6-881-816 (SQL Server 2008);

and any other works now or hereafter protected by any of Microsoft’s trademarks or copyrights;

(b) manufacturing, assembling, producing, distributing, offering for distribution, circulating, selling, offering for sale, advertising, importing, promoting, or displaying any software program, component, EULA, item or thing bearing any unauthorized simulation, reproduction, counterfeit, copy, or colorable imitation of any of Microsoft’s registered trademarks or service mark, including, but not limited to, the Trademark and Service Mark Registration Nos. listed in Paragraph (a) above;

(c) using any simulation, reproduction, counterfeit, copy, or colorable imitation of Microsoft’s registered trademarks or service mark including, but not limited to, the Trademark and Service Mark Registration Nos. listed in Paragraph (a) above, in connection with the manufacture, distribution, offering for distribution, sale, offering for sale, advertisement, promotion, or display of any software, component, EULA, item or thing not authorized or licensed by Microsoft;

(d) using any false designation of origin or false description which can or is likely to lead the trade or public or individuals erroneously to believe that any software, component, EULA, item, or thing has been manufactured, produced, distributed, offered for distribution, advertised, promoted, displayed, licensed, sponsored, approved, or authorized by or for Microsoft, when such is in fact not true;

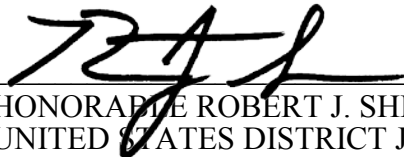
(e) engaging in any other activity constituting an infringement of any of Microsoft's trademarks, service mark and/or copyrights, or of Microsoft's rights in, or right to use or to exploit these trademarks, service mark, and/or copyrights; and

(f) assisting, aiding, or abetting any other person or business entity in engaging in or performing any of the activities referred to in paragraphs (a) through (e) above.

IT IS SO ORDERED.

DATED this 17th day of June, 2014.

BY THE COURT:



HONORABLE ROBERT J. SHELBY
UNITED STATES DISTRICT JUDGE